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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2011-553**

12 **ANTHONY SUAN BAYSA, RN**
1813 Sheep Ranch Loop
13 Chula Vista, CA 91913

A C C U S A T I O N

14 **Registered Nurse License No. 574651**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about December 1, 2000, the Board of Registered Nursing issued Registered
23 Nurse License Number 574651 to Anthony Suan Baysa, RN (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on July 31, 2012, unless renewed.

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1 8. Health and Safety Code section 11170 states that no person shall prescribe,
2 administer, or furnish a controlled substance for himself.

3 9. Health and Safety Code section 11173, subdivision (a) states:

4 No person shall obtain or attempt to obtain controlled substances, or procure
5 or attempt to procure the administration of or prescription for controlled
6 substances (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
7 concealment of a material fact.

8 10. Health and Safety Code section 11350, subdivision (a)(1) states:

9 Except as otherwise provided in this division, every person who possesses (1)
10 any controlled substance specified in subdivision (b) or (c), or paragraph (1) of
11 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
12 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of
13 Section 11055, or specified in subdivision (h) of Section 11056, or (2) any
14 controlled substance classified in Schedule III, IV, or V which is a narcotic
15 drug, unless upon the written prescription of a physician, dentist, podiatrist, or
16 veterinarian licensed to practice in this state, shall be punished by imprisonment
17 in the state prison.

18 11. California Code of Regulations, title 16, section 1442, states:

19 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
20 the standard of care which, under similar circumstances, would have ordinarily been exercised by
21 a competent registered nurse. Such an extreme departure means the repeated failure to provide
22 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
23 situation which the nurse knew, or should have known, could have jeopardized the client's health
24 or life."

25 COST RECOVERY

26 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

DRUGS

13 13. Dilaudid, a brand name for hydromorphone, is a Schedule II controlled substance
14 pursuant to Health and Safety Code section 11055(b)(1)(k) and is a dangerous drug pursuant to
15 Business and Professions Code section 4022.

1 14. Fentanyl Injection is a Schedule II controlled substance pursuant to Health and Safety
2 Code section 11055(c)(8) and is a dangerous drug pursuant to Business and Professions Code
3 section 4022.

4 15. Hydrocodone bitartate/acetaminophen, also known by the brand names **Vicodin**,
5 **Norco**, Zydone, Maxidone, Lortab, Lorcet, Hydrocet, Co-Gesic, and Anexsia, is a narcotic
6 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4),
7 and is a dangerous drug pursuant to Business and Professions Code section 4022. Hydrocodone
8 is used as a narcotic analgesic in the relief of pain

9 16. Morphine/morphine sulfate is a Schedule II controlled substance pursuant to Health
10 and Safety Code section 11055(b)(1)(M) and is a dangerous drug pursuant to Business and
11 Professions Code section 4022. Morphine is in a class of drugs called morphine analgesics. It
12 relieves pain.

13 17. Norco, a brand name for hydrocodone, is a Schedule II controlled substance pursuant
14 to Health and Safety Code section 11055(b)(1)(j) and is a dangerous drug pursuant to Business
15 and Professions Code section 4022. It is used for the relief of moderate to moderately severe
16 pain.

17 18. Percocet, a brand name for oxycodone with acetaminophen, is a Schedule II
18 controlled substance pursuant to Health and Safety Code section 11055(b)(1)(n) and is a
19 dangerous drug pursuant to Business and Professions Code section 4022. It is used to treat pain.

20 FACTS

21 19. Sharp Chula Vista Medical Center (hereinafter "SCVMC") conducts routine Standard
22 of Deviation audits on all SCVMC employees within the facility. The audit identifies users who
23 are withdrawing more medications than their co-workers during comparable shifts, and in many
24 cases, for the same patients.

25 20. On or about March 21, 2009, M.H. performed a routine Standard of Deviation audit
26 and discovered that Respondent's narcotics medication withdrawals increased sharply in late
27 2008 and early 2009. Respondent was employed as a Registered Nurse at SCVMC. He began his
28 employment at SCVMC in 2000.

21. M.H. compared Respondent's Pyxis¹ User Reports to Patient Medication Orders and Medication Administration Records and discovered the following discrepancies:

- a. Fentanyl injection, 0.05 mg/ml ampule, 15 unaccounted for;
- b. Morphine injection, 4 mg/ml syringe, 10 unaccounted for;
- c. Oxycodone-APAP (Percocet), 5-325 mg tablet, 40 unaccounted for;
- d. Hydrocodone-APAP (Norco), 5-325 mg tablet, 10 unaccounted for.

M.H. reported his findings to C.S., a nursing supervisor, who began an investigation.

22. C.S. investigated the medical records and Pyxis reports for Respondent's patient for late 2008 through March 2009. After review of the records, C.S. noted Respondent had a pattern of: 1) withdrawing more medication than the order called for and failing to document wastage of any unused portions or 2) withdrawing a narcotic medication and not charting the administration or wastage of that narcotic.

23. When confronted about the discrepancies on or about April 1, 2009, Respondent admitted to diverting Vicodin and Percocet for his personal use but denied taking any injectable narcotics. Respondent admitted to diverting these medications to control the pain he continued to have following a skiing accident. Respondent was subsequently placed on administrative leave and then terminated from his employment at SCVMC.

24. Review of the medical records revealed the following:

a. Medical Record Number 0059417/AN 60653151:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
9/13/2008				
Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0808	1 tablet @ 0800	None	1 tablet

¹ Pyxis is a trade name for the automatic single-unit dose medication dispensing system that records information such as patient name, physician orders, date and time medication was withdrawn, and the name of the licensed individual who withdrew and administered the medication. Each user/operator is given a user-identification code to operate the control panel. Sometimes only portions of the withdrawn narcotics are given to the patient. The portions not given to the patient are referred to as "wastage." This waste must be witnessed by another authorized user and is also recorded by the Pyxis machine.

	2 tablets @ 1122	1 tablet @ 1100	None	1 tablet
	2 tablets @ 1658	1 tablet @ 1700	None	1 tablet
Norco APAP 5/325 tablet (1 q 4 hrs)	2 tablets @ 0835	None	None	2 tablets
	2 tablets @ 1339	2 tablets @ 1200	None	1 tablet given too early
9/14/2008				
Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0801	1 tablet @ 0800	None	1 tablet
	2 tablets @ 1156	1 tablet @ 1200	None	1 tablet
Morphine sulfate 2mg SYR IV (2 mg q 1 hr)	2 mg @ 0802	None	None	2 mg
9/15/2008				
Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0821	1 tablet @ 0800	None	1 tablet
Morphine sulfate 2mg SYR IV (2 mg q 1 hr)	2 mg @ 0821	None	None	2 mg
	2 mg @ 0856	None	None	2 mg
Norco APAP 5/325 tablet (1 q 4 hrs)	2 tablets @ 0856	None	None	2 tablets

b. Medical Record Number 00533323/AN 60654635:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
9/13/2008				
Fentanyl 100 mcg AMP 25 mcg (q 5 min)	100 mcg @ 0746	None	50 mcg	50 mcg
	100 mcg @ 0830	None	50 mcg @ 0957	50 mcg
Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0830	None	None	2 tablets
	2 tablets @ 1717	1 tablet @ 1700	None	1 tablet
Morphine sulfate 2mg SYR IV (2 mg q 1 hr)	2 mg @ 1339	None	None	2 mg
Norco APAP 5/325 tablet (1 q 4 hrs)	2 tablets @ 1531	1 tablet @ 1500	None	1 tablet
9/14/2008				

Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0755	1 tablet @ 0800	None	1 tablet
Morphine sulfate 2mg SYR IV (2 mg q 1 hr)	2 mg @ 0810	None	None	2 mg

c. Medical Record Number 00533780/AN 60657043:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
9/15/2008				
Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0833	1 tablet at 0800	None	1 tablet
	2 tablets @ 1033	1 tablet @ 1100	None	1 tablet
	2 tablets @ 1632	None	None	2 tablets
9/16/2008				
Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0804	1 tablet @ 0900	None	1 tablet
	2 tablets @ 1330	None	None	2 tablets
	2 tablets @ 1639	1 tablet @ 1700	None	1 tablet
Norco APAP 5/325 tablet (1 q 4 hrs)	2 tablets @ 1041	None	None	2 tablets
Morphine sulfate 2mg SYR IV (2 mg q 1 hr)	2 mg @ 1330	None	None	2 mg

d. Medical Record Number 00065018/AN 60664007:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
9/28/2008				
Fentanyl 50 mcg AMP	100 mcg @ 1646	25 mcg @ 1600	None	75 mcg remaining from withdrawal, see next entry
		50 mcg @ 1700	None	25 mcg remaining from withdrawal
		50 mcg charted,	None	Overage of

		no time given		25 mcg
1	Morphine sulfate	2 mg @ 1858	None	2 mg
2	2mg SYR IV (2 mg q 1 hr)			
3		2 mg @ 1902	None	2 mg
4	9/29/2008			
5	Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0732	1 tablet at 0800	1 tablet
6		2 tablets @ 1213	None	2 tablets
7		2 tablets @ 1714	1 tablet @ 1700	1 tablet
8	Norco APAP 5/325 tablet (1 q 4 hrs)	2 tablets @ 0853	1 tablet @ 1030	1 tablet
9	Morphine sulfate	2 mg @ 1015	None	2 mg
10	2mg SYR IV (2 mg q 1 hr)			
11		2 mg @ 1030	None	2 mg
12		2 mg @ 1226	None	2 mg
13	Fentanyl 50 mcg AMP	100 mcg @ 1342	25 mcg @ 1300	75 mcg

e. Medical Record Number 00215443/AN 60673112:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
10/25/2008				
Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0848	1 tablet at 0900	None	1 tablet
	2 tablets @ 1325	None	None	2 tablets
	2 tablets @ 1618	1 tablet @ 1600	None	1 tablet
Norco APAP 5/325 tablet (1 q 4 hrs)	2 tablets @ 1036	1 tablet @ 1100	None	1 tablet
Morphine sulfate	2 mg @ 1036	None	None	2 mg
2mg SYR IV (2 mg q 1 hr)				
	2 mg @ 1106	None	None	2 mg
10/26/2008				
Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0745	1 tablet @ 1600	None	1 tablet
	2 tablets @ 1158	None	None	2 tablets
	2 tablets @ 1713	1 tablet @ 1700	None	1 tablet
Fentanyl 50 mcg AMP	100 mcg @ 0857	None	None	100 mcg

Norco APAP 5/325 tablet (1 q 4 hrs)	2 tablets @ 1052	1 tablet @ 1100	None	1 tablet
	2 tablets @ 1423	1 tablet @ 1400	None	1 tablet
10/27/2008				
Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0821	1 tablet @ 0800	None	1 tablet
	2 tablets @ 1224	None	None	2 tablets
	2 tablets @ 1344	1 tablet @ 1400	None	1 tablet
Norco APAP 5/325 tablet (1 q 4 hrs)	2 tablets @ 0959	1 tablet @ 1000	None	1 tablet
10/28/2008				
Percocet (1) 5/325 tablet (1 tab q 4 hrs)	2 tablets @ 0816	1 tablet @ 0800	None	1 tablet
	2 tablets @ 1309	None	None	2 tablets
	2 tablets @ 1841	1 tablet @ 1800	None	1 tablet
Norco APAP 5/325 tablet (1 q 4 hrs)	2 tablets @ 1022	None	None	2 tablets
Morphine sulfate 2mg SYR IV (2 mg q 1 hr)	2 mg @ 1351	None	None	2 mg

f. Medical Record Number 00347891/AN60692559:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
11/28/2008				
Fentanyl 50 mcg AMP 25 mcg every 5 min PRN	100 mcg @ 0744	25 mcg @ 0700	None	75 mcg
Percocet (1) 5/325 tablet	2 tablets @ 0826	None	None	2 tablets
	2 tablets @ 1230	1 tablet @ 1230	None	1 tablet
	2 tablets @ 1659	None	None	2 tablets
Norco (1) 5/325 tablet	1 tablet @ 1000	None	None	1 tablet
	1 tablet @ 1000	None	None	1 tablet
	2 tablets @ 1810	1 tablet @ 1700	None	1 tablet
11/29/2008				
Fentanyl 50 mcg AMP 25 mcg every 5 min PRN	100 mcg @ 0819	None	75 mcg	25 mcg
Percocet (1) 5/325	2 tablets @ 0918	1 tablet @ 0900	None	1 tablet

tablet				
	2 tablets @ 1316	None	None	2 tablets
	2 tablets @ 1617	1 tablet @ 1600	None	1 tablet
Norco (1) 5/325 tablet	2 tablets @ 1020	None	None	2 tablets

g. Medical Record Number 00285395/AN 6068370:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
12/3/2008				
Fentanyl 50 mcg AMP 25 mcg every 5 min PRN	100 mcg @1142	None	None	100 mcg
	100 mcg @ 1312	50 mg @ 1300	75 mcg wasted @ 1312	25 mcg
	100 mcg @ 1353	50 mg @ 1400	None	50 mcg
	100 mcg @ 1504	None	75 mcg wasted, no time	25 mcg
	100 mcg @ 1738	25 mcg @ 1800	75 mcg wasted, no time	25 mcg
Morphine sulfate 2 mg (q 1hr)	1 - 2mg/2ml @ 1443	None	None	1 - 2mg/1ml Syringe
Percocet (1) 5/325 tablet	2 tablets @ 1512	None	None	2 tablets
	2 tablets @ 1717	2 tablets @ 1700	None	Wrong dose
Norco (1) 5/325 tablet	2 tablets @ 1605	1 tablet @ 1600	None	1 tablet
12/4/2008				
Norco (1) 5/325 tablet	2 tablets @ 0855	None	None	2 tablets
Morphine sulfate 2 mg (q 1hr)	1 - 2mg @ 1044	None	None	1 - 2mg Syringe
Hydromorphone PLS 2mg/mL (2-3 mg q 1 hr)	4 mg @ 1053	3 mg @ 1100	None	1 mg
	4 mg @ 1147	None	None	4 mg
	4 mg @ 1408	2 mg @ 1400	None	2 mg
	4 mg @ 1459	None	None	4 mg
	4 mg @ 1755	3 mg @ 1800	None	1 mg
Percocet (1) 5/325 tablet	2 tablets @ 1147	None	None	2 tablets
12/5/2008				
Hydromorphone PLS 2mg/mL (2-3mg q 1 hr)	2 mg @ 1011	None	None	2 mg

	4 mg @ 1436	None	None	2 mg
	2 mg @ 1524	None	None	2 mg
Percocet (1) 5/325 tablet (1-2 tab q 4 hrs)	2 tablets @ 1244	None	None	2 tablets
Norco 5/325 (1 tab q 4 hrs)	2 tablets @1352	None	None	2 tablets
12/6/2008				
Hydromorphone PLS 2mg/mL (2- 3mg q 1 hr)	2 mg @ 0729	None	None	2 mg
	2 mg @ 1655	None	None	2 mg
Percocet (1) 5/325 tablet (1-2 tab q 4 hrs)	2 tablets @ 0901	1 tablet at 0900	None	1 tablets
	2 tablets @1529	None	None	2 tablets
12/7/2008				
Hydromorphone PLS 2mg/mL (2- 3mg q 1 hr)	2 mg @ 0749	None	None	2 mg
	2 mg @ 0946	None	None	2 mg
Percocet (1) 5/325 tablet (1-2 tab q 4 hrs)	2 tablets @ 1109	None	None	2 tablets
	2 tablets @ 1250	1 tablet @ 1300	None	1 tablet

h. Medical Record Number 00540999/AN 6094147:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
12/19/2008				
Fentanyl 50 mcg AMP 25 mcg every 5 min PRN	100 mcg @1235	25 mcg @ 1300	None	75 mcg
	100 mcg @1450	25 mcg @ 1500	None	50 mcg (see below)
	See above	25 mcg @1600	None	N/A
Percocet (1) 5/325 tablet (1-2 tab q 4 hrs)	2 tablets @ 1803	None	None	2 tablets
12/20/2008				
Percocet (1) 5/325 tablet (1-2 tab q 4 hrs)	2 tablets @ 0746	1 tablet @ 0800	None	1 tablet
	2 tablets @ 0835	None	None	2 tablets
	2 tablets @ 1217	None	None	2 tablets
	2 tablets @ 1542	1 tablet @ 1600	None	1 tablet

Fentanyl 50 mcg AMP 25 mcg every 5 min PRN	100 mcg @0839	None	None	100 mcg
	100 mcg @ 0839	None	None	100 mcg
Norco APAP 5/325 tab (1 q 4 hrs)	2 tablets @ 1003	None	None	2 tablets
12/21/2008				
Percocet (1) 5/325 tablet (1-2 tab q 4 hrs)	2 tablets @ 0822	1 tablet @ 0900	None	1 tablet
	2 tablets @ 1153	1 tablet @ 1200	None	1 tablet
	2 tablets @ 1841	None	None	2 tablets
Fentanyl 50 mcg AMP 25 mcg every 5 min PRN	100 mcg @0953	None	None	100 mcg
Norco APAP 5/325 tab (1 q 4 hrs)	2 tablets @ 1313	1 tablet @ 1100	None	1 tablet

i. Medical Record Number 00352534/AN 60713739:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
1/17/2009				
Percocet (1) 5/325 mg tablet (q 4 hrs)	2 tablets @ 0903	1 tablet @ 0900	None	1 tablet
	2 tablets @ 1320	None	None	2 tablets
	2 tablets @ 1621	1 tablet @ 1600	None	1 tablet
Fentanyl 25 mcg (q 5 min)	100 mcg @ 0948	50 mcg @ 0900	None	50 mcg
Norco (1) 5/325 (q 4 hrs)	2 @ 1111	None	None	2 tablets
1/18/2009				
Fentanyl 50 mcg AMP 25 mcg every 5 min PRN	100 mcg @ 0736	25 mcg @ 0700	None	75 mcg
	100 mcg 20958	25 mcg @ 1000	None	75 mcg
Percocet (1) 5/325 mg tablet	2 tablets @ 0830	1 tablet @ 0800	None	1 tablet
	2 tablets @ 1117	1 tablet @ 1100	None	1 tablet

j. Medical Record Number 00545617/AN 60718495:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
1/28/2009				
Fentanyl 50 mcg	100 mcg @1125	50 mcg @ 1300	None	50 mcg

AMP 25 mcg every 5 min PRN				
	100 mcg @1601	25 mcg @1600	None	75 mcg
	100 mcg @ 1637	None	75 mcg (no time)	25 mcg
Percocet (1) 5/325 mg tablet (q 4 hrs)	2 tablets @ 0903	1 tablet @ 0900	None	1 tablet
	2 tablets @ 1709	1 tablet @ 1700	None	1 tablet
Norco (1) 5/325 mg	2 tablets @ 1752	None	None	2 tablets
1/29/2009				
Percocet (1) 5/325 mg tablet	2 tablets @ 0838	1 tablet @ 0800	None	1 tablet
	2 tablets @ 1207	None	None	2 tablets
Morphine 2 mg/1ml Syr	1 - 2mg/2ml @ 0839	None	None	1 - 2mg/1ml Syringe
	1 - 2mg/2ml @ 1011	None	None	1 - 2mg/1ml Syringe
Fentanyl 50 mcg AMP 25 mcg every 5 min PRN	100 mcg @ 0912	None	None	100 mcg
	100 mcg @ 1337	25 mcg @ 1300	None	75 mcg
Norco (1) 5/325 mg	2 tablets @ 1011	None	None	2 tablets
	2 tablets @ 1752	None	None	2 tablets

k. Medical Record Number: 00547924/AN 60730427:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
2/23/2009				
Fentanyl 25 mcg	100 mcg @ 0800	25 mcg @ 0700	None	75 mcg
	100 mcg @ 0849	25 mcg @ 0900	None	75 mcg
	100 mcg @ 1041	None	None	100 mcg
	100 mcg @ 1151	25 mcg @ 1200	None	75 mcg
	100 mcg @ 1346	None	None	100 mcg
	100 mcg @ 1720	25 mcg	None	75 mcg
Percocet (1) 5/325 mg tablet	2 tablets @ 0855	None	None	2 tablets
	2 tablets @ 1317	1 tablet @ 1200- 130	None	1 tablet
	2 tablets @ 1613	1 tablet @ 1600	None	1 tablet
Norco (1) 5/325 tablet	2- 5/325 tablets @ 1006	None	None	2 tablets
	2 - 5/325 tablets @ 1519	1 tablet @ 1500	None	1 tablet
	2 - 5/325 tablets @ 1725	1 tablet @ 1800	None	1 tablet
2/24/2009				

Percocet (1) 5/325 mg tablet	2 tablets @ 1109	1 tablet @ 1100	None	1 tablet
	2 tablets @ 1524	None	None	2 tablets
2/25/2009				
Percocet (1) 5/325 mg tablet	2 tablets @ 1452	None	None	2 tablets
Fentanyl 25 mcg	100 mcg @ 1721	None	None	100 mcg

1. Medical Record Number 00316119/AN 60731794:

Physician Orders	Withdrawn	Charted as Administered	Wastage Noted	Discrepancy
2/26/2009				
Fentanyl 25 mcg	100 mcg @ 1022	None	None	100 mcg
	100 mcg @ 1047	None	None	100 mcg
	100 mcg @ 1134	25 mcg @ 1100	None	75 mcg
	100 mcg @ 1022	None	None	100 mcg
	100 mcg @ 1316	None	None	100 mcg
	100 mcg @ 1443	None	None	100 mcg
	100 mcg @ 1633	25 mcg @ 1600	None	75 mcg
Percocet (1) 5/325 mg tablet	2 tablets @ 1444	None	None	2 tablets
	2 tablets @ 1659	1 tablet	None	1 tablet
Norco (1) 5/325 tablet	2 tablets @ 1559	None	None	2 tablets
Hydromorphone 2 mg	2 mg syringe @ 1559	None	None	2 mg

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Obtain or Possess Controlled Substances)

25. Respondent is subject to disciplinary action under section 2762(a) for unprofessional conduct in that Respondent obtained and possessed controlled substances unlawfully in violation of Health and Safety Code sections 11173(a) and 11350(a)(1) as is more particularly set forth in paragraphs 19 through 24 above, and incorporated herein as though set forth in full.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Use of Controlled Substances)

26. Respondent is subject to disciplinary action under section 2762(b) for unprofessional conduct in that Respondent diverted Vicodin and Percocet for his personal use as more fully set forth in paragraphs 19-24 above and incorporated herein as though set forth in full.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 27. Respondent is subject to disciplinary action under section 2762(a) for unprofessional
4 conduct in that Respondent admitted he developed the bad practice of anticipating the medication
5 needs of his patients and thereby withdrawing from Pyxis the medications his experience taught
6 him they would need after surgery before the patients arrived in the Critical Care Unit.
7 Respondent further admitted that he failed to waste any unused amount of a controlled substance
8 and simply set the unused portion on top of the Pyxis machine.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Gross Negligence)**

11 28. Respondent is subject to disciplinary action under section 2762(a)(1) for gross
12 negligence in that Respondent failed to account for controlled substances, failed to document
13 wastage of controlled substance, failed to correctly chart administration of controlled substances,
14 documented administering controlled substances prior to withdrawing the drugs from Pyxis and
15 documented administration of higher doses of controlled substances that what the physician
16 ordered, as more fully set forth in paragraphs 19-24 above and incorporated herein as though set
17 forth in full.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 574651, issued to
22 Anthony Suan Baysa, RN;

23 2. Ordering Anthony Suan Baysa to pay the Board of Registered Nursing the reasonable
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions
25 Code section 125.3;

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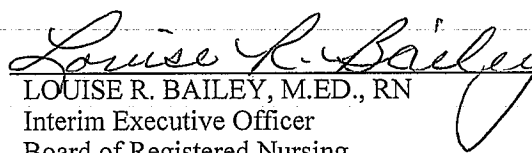
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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/20/10


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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